

DESIGN GUIDELINE PROCESSES

SECTION 1. DESIGN REVIEW

Plans for new Residences or exterior Major Modifications to an existing Residence or Property must be approved by the Design Review Committee (DRC) prior to beginning any demolition or construction. Owners must also notify the DRC prior to all Minor Modifications.

Owners are strongly encouraged to notify the DRC prior to April 15 of any plans for Minor Modifications planned to take place during the summer months (April 15-October 15). In most circumstances, formal DRC approval for Minor Modifications is not required. Please see the Guidelines for details.

For Major Modifications, New Residence Construction, and for Minor Modifications if requested by the DRC, the application approval process must include an on-site review to determine the impact on neighboring properties and the Community as a whole. The DRC encourages application submission between October 15 and April 15 to ensure that committee member(s) are in residence in Wickenburg and available for on-site reviews. If an Owner submits an application between April 15 and October 15, the DRC cannot guarantee a 45-day decision (see page 4) unless the Owner agrees to incur the cost of an external consultant upon request of the DRC chair.

No site work may be started until the Owner has received final written approval from the DRC. The Owner must obtain the required Final Design Review Approval Letter from the DRC prior to making submissions to any governing jurisdiction for a building permit. Building permits do not fulfill the requirement for DRC approval.

REQUIRED REVIEW PROCESSES FOR NEW RESIDENCE CONSTRUCTION

a. DRC Onsite Visit and Pre-Application Meeting

Prior to submitting an application, an Owner must meet with the DRC Chair and/or DRC Committee members to ensure that the Owner, the Owner's Design Professional, and Contractor are thoroughly familiar with the current Declarations and the Design Guidelines. In this meeting, the DRC Chair and/ or Committee members will also review specific items to be submitted with the application. The required documentation will be determined based on the complexity of the project.

b. Design Review Application Submittal

The Owner shall submit a Design Review Application (Section 2. Form A. page 7), which must include plans for demolition, if applicable (see below).

Each application must be submitted with three (3) full size (24" x 36") paper copies of all plans and one (1) PDF copy of all documents (i.e., jump drive, Dropbox, or email attachments).

For the convenience of the Owner, not all information needs to be submitted simultaneously. Although the DRC Chair and DRC Committee members will be pleased to answer questions

and provide input on any aspect of an application, the DRC cannot approve incomplete applications. Incomplete applications may delay final approval.

Required information is listed below:

- **Application (Section 2 Form A page 7)**
- **Refundable Security Deposit** (Section 3). A security deposit will be required by the CHOA Board of Directors commensurate with the complexity and significance of the project.
- **Certified Land Survey**
For new Residence construction, a Certified Land Survey at no less than 1"=20', must be submitted. The Survey must be prepared by a land surveyor or civil engineer registered in the state of Arizona, showing Lot boundaries and dimensions, easements, setbacks, centerline of adjacent streets, utility tap locations, existing surface contours at one-foot intervals based on Community data and any major terrain features such as washes.
- **Grading and Drainage Plan** A civil site plan must be prepared by a Civil Engineer registered in the State of Arizona, at the same scale as the survey, showing the size of the Lot in square feet, graphic locations and the numerical area calculations of the construction area, and an outline of structures on any contiguous Lot. The grading and drainage plan must indicate all proposed Improvements on the Lot including the Residence and all other new items to be constructed on site. The plan should also include all proposed site grading including existing and proposed contours and topographic features such as washes, rock outcroppings and existing trees and elevations of all building floors, patios and terraces shown in relation to site contour elevations.
- **Floor Plans** indicating finished floor elevations for each floor (main floor and basement, if proposed).
- **Exterior Elevations** (at a scale no less than 1/4"=1'-0") of all sides of the Residence including retaining and site walls as viewed from outside of the site walls and at the same scale as the floor plans. Identify all structure and wall heights, delineating both existing and proposed grade lines and designate all exterior materials.
- **Aerial Photograph of the entire Lot** may be required in certain cases indicating property lines, easements, and other existing improvements.
- **Colors and Materials Information** including product photos and/or cut sheets of all exterior materials and colors, garage doors, light fixtures, roof color and window and glass specifications (11" x 17" maximum size) including manufacturer's name, color and/or number, and Light Reflectance Value (LRV). The sample "boards" shall include the owner's design professional and builder's name, as well as the Lot Number. At the DRC's discretion a physical sample rather than photos may be requested. For exterior paint colors, including Residence, Trim, and Accent Colors, the external Paint Color

Form in Section 2, Form B, on Page 8 should be completed, to include paint chips from the proposed manufacturer.

- **Complete construction drawings** including all architectural, civil grading and drainage plans and any subsequent final submittals as will be submitted to the permitting agency for review.
- **Landscape Plan** showing:
 - Locations and sizes of all existing plants and lists, locations, sizes and common and botanical names of proposed plants.
 - Locations of all Transitional Desert Area and Private Area planting.
 - Decorative features such as fountains or pools.
 - Color and size of decomposed granite including approximate size and material specifications of any other materials.
 - Location of all exterior landscape lighting, including cut sheets for all fixtures and a list of proposed bulb types and wattages.
- **Demolition of Existing Structures**
If a proposed project includes demolition, copies of the following documents must also be submitted including:
 - A complete set of photos showing all elevations of the building to be demolished.
 - The Demolition Application to be submitted to the local governing agency.
 - The location of construction materials, porta-johns and dumpsters.
 - Please note that the DRC will not approve demolition without the approved demolition permit from the local governing agency.

REQUIRED REVIEW PROCESSES FOR MAJOR MODIFICATION TO EXISTING RESIDENCES OR LANDSCAPE

- No applications will be accepted between April 15 and October 15 unless the Owner agrees to incur the cost of an external consultant engaged by the DRC for application review.
- **Pre-Application Meeting**
Prior to submitting an application, the Owner must meet with the DRC Chair and/or DRC Committee members so that the DRC can ensure that the Owner, the Owner's Design Professional, and Contractor are thoroughly familiar with the current Declaration and the Design Guidelines. The DRC Chair and/or DRC Committee members will review specific items to be submitted with the application. These items will be drawn from the more extensive list of items required for applications for new construction listed above and will be tailored to the scope of each specific modification project. If the DRC requires site information (for example to demonstrate Setbacks and Lot boundaries), this may be obtained from Maricopa County (<https://maps.mcassessor.maricopa.gov/>) unless the DRC specifically requests a formal survey.

DESIGN REVIEW COMMITTEE REVIEW AND APPROVAL

- In reviewing plans and specifications for new Residential construction or Major Modification, the DRC may consider any and all factors which the DRC, determines to be relevant, including but not limited to: a) the harmony of the proposed Improvements with existing Improvements or with Improvements previously approved by the DRC but not yet constructed; b) the location of the proposed Improvement in relation to existing topography, finished grade elevations, roads, or other structures; c) the exterior design, finish materials and color of the proposed Improvements; d) adherence to the Dark Sky lighting policy; e) compliance of the proposed Improvement with the Design Guidelines f) input from other Owners.
- Decisions of the DRC may be based purely on aesthetic considerations. Each Owner acknowledges that determinations as to such matters are purely subjective, and opinions may vary as to the desirability or attractiveness of certain Improvements. Each Owner agrees that the decision of the DRC shall be final on all matters submitted to it subject to these Design Processes and the Design Guidelines, subject to an appeal of the decision to the Board (see below). The decision of the Board is final.
- The approval required of the DRC shall not be unreasonably withheld and shall be in addition to and not in lieu of any approvals or permits required by regulating governmental bodies. DRC approval shall be obtained prior to approval by governmental bodies.
- In the event that the DRC fails to approve or disapprove an application within forty-five (45) calendar days after the complete Final Design Review application, (including all supporting materials,) has been submitted, approval will not be required, and the Design Guidelines will be deemed to have been approved. The approval by the DRC of any New Construction or Modification shall not be deemed a waiver of the DRC's right to withhold approval of any New Construction or Modification subsequently submitted for approval. The Design Review Committee shall have ten (10) business days after approving or disapproving the plans at the end of the 45-day review period to notify the Owner of the Design Review Committee's decision.
- The DRC, in its sole discretion, may hire consultants, such as architects, landscape architects or solar consultants, for review of submitted plans at the Owners expense.

Design Review Approval Letter

Once the final application has been approved, the DRC will issue a Final Design Review Approval Letter to the Owner. Under no circumstances shall site or building construction begin until the Owner receives this written letter by hand delivery, mail, or email.

Variances

- The DRC, in its discretion, may allow reasonable variances and adjustments to overcome impractical difficulties and prevent unnecessary hardships provided that no variance or adjustment will be materially detrimental or injurious to other property or Improvements in the Community.

- The DRC shall notify neighboring Owners of any request for a material Variance and provide an opportunity for these Owners to express their views concerning the impact the variance will have on them. The DRC is not bound by any Owner's views or opinions and remains the sole decider of whether to grant a Variance. No Variance approved by the DRC shall be effective until the Variance is set forth in a written document signed by or on behalf of the DRC.
- No Variance approval shall prevent the DRC from denying a Variance in other circumstances.

Appeals Process Regarding DRC Decisions

The following procedures shall be followed:

- a. The Owner shall file a written request to the Board to appeal a DRC's decision(s) outlining the DRC's decision(s) and the Owner's reasons for requesting an appeal. This appeal shall be filed with the Board within thirty (30) calendar days of the date of the DRC's letter to the Owner outlining its decision. The Board is not required to hear the appeal if the Owner does not comply with this time limit.
- b. It is recommended that the Owner, and his/her designated representative, attend the Board meeting in which the appeal will be heard. The Owner should bring any additional supporting documents that may allow the Board to adequately assess the appeal.
- c. After hearing the appeal during the Board meeting, the Board, upon closed discussion of its members, will subsequently issue a majority decision to the Owner. The Board's decision is final and binding upon the Owner and the DRC. The DRC will then incorporate the Board's final decision in any correspondence to the Owner.

Commencement of Construction Time Limit and Time Limit for Completion of Construction

If construction is not commenced within 1 year of the Final Design Review Approval Letter, or if work is suspended or abandoned for a period of 60 days after work is commenced, the DRC Chair and/or DRC Committee members will meet with the Owner to determine the cause of the delay. The approved construction project must be completed within 24 months after a building permit for the final DRC approved plan has been issued unless the DRC approves a written request for an extension. The CHOA Board of Directors may assess fines or pursue all other remedies available at law, including an injunction to compel completion, if the Owner does not comply with this requirement.

Expiration of Design Review Approval:

A building project will be determined by the DRC to be suspended or abandoned when the following conditions have been identified:

- visual inspection of the building site clearly indicates construction activity has ceased for a period of 60 days or more.
- reasonable efforts to contact the Owner and/or builder to determine the status of the project prove ineffective.

DRC approval will be withdrawn for suspended or abandoned projects, and a new application will be required.

SECTION 2. FORMS

A. APPLICATION FOR NEW CONSTRUCTION OR MAJOR MODIFICATION

Date

Description of Project

Owner (print name) Los Caballeros Lot Number

Owner Contact Address

Owner Email Phone Circle: Cell Home Work

Applicant (if other than Owner) (print name)

Applicant Address

Applicant Email Phone

Applicant Relation to Project (check one): Designer Contractor Owner Other _____

B. EXTERIOR HOUSE PAINT APPLICATION

All exterior painting and repainting in CHOA must be approved by the DRC prior to painting or repainting. Please refer to the CHOA Design Guidelines Exhibit A Community Paint Policy for specific requirements.

OWNER(S):

Print Name(s)

Los Caballeros Lot Number

Signature(s)

Date

Property Street Address

Property Town / State / Zip Code

E-mail Address

Phone Number

CONTRACTOR:

Company Name

Phone Number

Contact Name (print name)

E-mail Address

PROPOSED PAINT COLOR(S):

Body Paint Color Name (i.e.: Dunn-Edwards "Baked Potato")	Trim Paint Color Name (i.e.: Dunn-Edwards "Baked Potato")	Accent Paint Color Name (i.e.: Dunn-Edwards "Baked Potato")
Body Paint Color ID Number (i.e.: DEC717)	Trim Paint Color Number (i.e.: DEC717)	Accent Paint Color Number (i.e.: DEC717)

ATTACH PAINT CHIP(S) BELOW

Body Paint Color Chip	Trim Paint Color Chip	Accent Paint Color Chip
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Section 3. FEES AND FINES– Consistent with the Third Amended Declaration of Covenants, Conditions, and Restrictions for Caballeros Homeowners Association, fees and fines may be levied to ensure compliance with the Declaration, Guidelines, and these Design Processes. The fees and fines may include but are not limited to those outlined below.

FEES

- 1. Reimbursement of CHOA for fees resulting from external consultant review.**
- 2. Refundable Construction Security Deposit-** The Owner, through the Contractor, will be required to repair damage to the streets and to adjacent properties resulting from construction (where such damage can be documented by photos or other means as being caused by the Owner, the Owner’s Contractor and/or any sub-contractors, suppliers or fabricators). If the Owner does not do so, the CHOA will direct the repair of damage and deduct the costs from a Refundable Construction Security Deposit determined by the CHOA Board of Directors.
- 3. Administration Fee** for new construction or significant Modifications. (To cover the costs of administrative assistance.)

FINES

The DRC will work collaboratively with Owners who undertake new construction or Modification of Residences or landscape. If an Owner fails to meet the Design Guidelines or Construction Requirements, he or she will be given multiple notices with specific information about which requirement(s) is/are not being met. If, after multiple notices, the Owner fails to correct the concern, the DRC may recommend that the CHOA Board of Directors issue a Notification of non-compliance. The CHOA Board of Directors has the authority to levy fines or to order a halt to any unapproved construction activities. The CHOA Board of Directors also has the right to pursue all other rights and remedies available under the Declaration and law against an Owner and Lot for violations of the Design Guidelines and Declaration.

Following are examples of some of the violations that may be cited during or after construction:

NEW HOMES:

- Failure to obtain DRC approval for any new construction or landscape work.

EXISTING HOME / LOT VIOLATIONS:

- Failure to obtain DRC approval for a Major Modification to a Residence.
- Failure to obtain DRC approval of major landscape work.
- Failure to obtain DRC approval for exterior repainting.
- Failure to respond to a notice that painting or landscape maintenance is required.
- Failure to fulfil other obligations delineated in the Design Guidelines or Declaration.

Final Letter of Compliance and Completion of Project

A Final Letter of Compliance and Completion of Project shall be issued to the Owner by the DRC after all requirements of the Design Guidelines and these Design Processes, and any other conditions required by the DRC have been met and any fines or fees required by the CHOA Board of Directors have been paid. At that point the remaining security deposit will be returned to the Owner.